the latter contained not more than 0.375 (three-eighths) grain of arsenous acid per tablet; the morphine sulphate and atropine sulphate tablets were each represented to contain one-fourth grain of morphine sulphate, whereas they contained not more than 0.215 (approximately one-fifth) grain of morphine sulphate; the elixir barbital was represented to contain 16 grains of barbital per fluid ounce, whereas each fluid ounce contained less than represented, namely, not more than 11.6 grains of barbital; and the santal oil capsules were each represented to contain 5 minims of santal oil, whereas they contained less than represented, namely, not more than 4.28 minims of santal oil.

The remaining products were alleged to be misbranded in that certain statements on the labels were false and misleading in the following respects: One lot of strychnine tablets were labeled: "Tablets * * * Strychnine Sulphate 1/40 Grain", whereas the tablets contained more than declared, namely, not less than 0.029 approximately (one thirty-fifth) grain of strychnine sulphate; the fluidextract of ephedra was labeled "Fluid Extract Ephedra * * * Standard: Each 10 cc yields 0.5 Gm. of the Alkaloids of Ephedra", whereas each cubic centimeter yielded more than declared, namely, not less than 0.657 gram of ephedra; the corrosive sublimate tablets were labeled "Tablets Corrosive Sublimate 1 Grain", whereas the tablets contained more than declared, namely, not less than 1.125 grain of corrosive sublimate; two of the lots of nitroglycerin tablets were labeled, "Tablet * * * Nitroglycerin 1/150 [or "1/200"] Grain", whereas the tablets contained more than declared, the former containing not less than 0.012 (approximately one-eightieth) grain and the latter containing not less than 0.0083 (one one-hundred and twentieth) grain of nitroglycerin.

On May 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $500 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27353. Adulteration and misbranding of Geba. U. S. v. Vitamin Products Research Foundation, Inc. Plea of guilty. Fine, $25 and costs. (F. & D. no. 37946. Sample no. 48064–B.)

The labeling of this product contained misrepresentations regarding its value as a source of vitamin A, and false and fraudulent claims regarding its curative and therapeutic effects.

On September 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vitamin Products Research Foundation, Inc., trading at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 19, 1935, from the State of Illinois into the State of Wisconsin of a quantity of Geba which was adulterated and misbranded. The article was labeled in part: "Geba * * * Vitamin Products Research Foundation, Inc. * * * Chicago, Ill."

Microscopic examination showed that it consisted essentially of cereal starch, bran, and germ (embryo) tissues, apparently from wheat; analysis showed that it contained protein, starch, sugars, and compounds of calcium and magnesium, phosphates, and carbonates. Vitamin determination showed that it contained approximately 2 U. S. P. units of vitamin A per tablet.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be a good and excellent source of vitamin A; whereas it contained little, if any, vitamin A.

It was alleged to be misbranded in that the statements (circular) "A Vitamin Concentrate", "Geba * * * is an excellent source of Vitamin A", "Vitamin A * * * Geba Tablets are an excellent source of Vitamin A", and (jar) "A good source of vitamin A", were false and misleading since they represented that it was a good and excellent source of vitamin A, and that it was a vitamin concentrate; whereas it was not a good and excellent source of vitamin A and was not a vitamin concentrate since it contained little, if any, vitamin A. The article was alleged to be misbranded further in that certain statements, designs, and devices regarding its therapeutic and curative effects, contained in the circular shipped with it, falsely and fraudulently represented that it was effective to promote health, to help attain vigorous, robust mind and body, to provide elements vital to vigorous normal health, to build resistance to disease, to supply vitamin strength; effective to protect the system against bacterial infections such as common colds, infections of the eyes, ears, sinuses,

and glands of the mouth and throat; effective to stimulate growth and to promote well-being of all ages; effective to stimulate the appetite and the digestive system and to promote lactation; that it was of particular importance during prenatal and nursing periods of child life; and effective to give power to the reproductive organs; to prevent anemia and to regulate the constant production of blood; and effective as a treatment, remedy, and cure for nervousness, irritability, general listlessness, and beriberi.

On June 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27354. Adulteration and misbranding of Stark's Headache Powders. U. S. v. 142, 22, and 40 Packages of Stark's Headache Powders. Default decrees of condemnation and destruction. (F. & D. nos. 38549, 38550. Samples nos. 4038–C, 4039–C.)

The labeling of this product contained false and fraudulent therapeutic and curative claims. It also indicated that the article when used as directed, was a safe and appropriate medicine for the treatment or relief of headache and neuralgia, whereas it was not but was a dangerous drug when so used; and it failed to bear a correct statement of the quantity or proportion of acetanilid contained in the article.

On November 17 and November 18, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twenty-two 10-cent- and one hundred eighty-two 25-cent-sized packages of Stark's Headache Powders at San Francisco, Calif., alleging that they had been shipped in interstate commerce in part by McKesson-Peter-Neat Co., on or about October 9, 1935, from Louisville, Ky., and in part by the Kells Co., Inc., on or about October 22, 1935, from Newburgh, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Stark's Headache Powders * * * Prepared by Stark's & Company Midway, Ky."

Analyses showed that it consisted essentially of acetanilid, caffeine, and sodium bicarbonate. Samples from one of the shipments averaged 6.99 grains of acetanilid per powder and from the other shipment, 6.5 grains of acetanilid per powder.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Contain 290 Grains Acetanilide U.S.P., per ounce", since it did contain much less than 290 grains of acetanilid U.S.P. per ounce.

It was alleged to be misbranded in that the statement, "Contain 290 Grains Acetanilide U.S.P. per ounce, or 6 Grains in Each Powder", borne on the label, was false and misleading since the article contained much less than 290 grains of acetanilid U.S.P. per ounce and more than 6 grains in each powder. The article was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of acetanilid contained therein since the declaration of acetanilid made was incorrect. It was alleged to be misbranded further in that the statements (envelope, 10-cent size, and carton, 25-cent size) "Directions.—Put a powder on tongue and take a swallow of water. Repeat in two hours, if necessary. Take sparingly of food and drink", (circular, both sizes) "Directions: Place a powder on the tongue and take a swallow of water. If needed, take another powder in two hours. Always take a powder as soon as you feel the first symptoms of Headache or Neuralgia", (envelope, display package, and cartons) "Headache Powders * * * For Headache and Neuralgia", and (additional statements in circular) "Headache Powders * * * For the Relief of Headache and Neuralgia * * * 'Headache Powders work like a charm with me; have been a great sufferer all my life.' '* * * have entirely relieved me of the old sick headache which has troubled me for years' ", were false and misleading since they would mislead the purchaser to believe that the article was a safe and appropriate medicine for the treatment or relief of headache and neuralgia; whereas it was a dangerous drug when used as directed. The article was alleged to be misbranded further in that the statements set forth above were statements regarding its therapeutic and curative effects and were false and fraudulent.

On January 26, 1937, no claimant having appeared, judgments were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*